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Casey says NBC violated statute on U.S. secrecy

WASHINGTON (AP) — CIA director William J. Casey charged yesterday that an NBC-TV news report about U.S. submarine activities violated a law against disclosing information about communications intelligence.

Mr. Casey said he was referring the matter to the Justice Department. John Russell, a spokesman for the Justice Department, said he had no comment on the matter.

The NBC report, aired on the "Today" show yesterday morning, said that accused spy Ronald W. Pelton might have shared information with the Soviet Union concerning electronic eavesdropping by U.S. submarines operating underwater in Soviet harbors.

In the report, NBC said that Mr. Pelton apparently gave away one of the National Security Agency's most sensitive secrets — a project with the code name "Ivy Bells," which the network said was an underwater eavesdropping operation by U.S. submarines inside Soviet harbors.

Mr. Pelton, a former employee of the NSA — the Defense Department's communications intelligence spy division — is on trial in U.S.

District Court in Baltimore on charges of spying.

Jury selection began yesterday. Lawyers for the government and defense expect the selection process to take three or four days. The trial is expected to last five to eight days.

NBC vice president Tim Russert, in a statement issued through spokeswoman Sharon Metcalf, said that "NBC has referred Casey's allegation to legal counsel to review," and she said he had no further comment.

NBC did not repeat the original story in its evening news broadcast, but it did report Mr. Casey's action.

Mr. Casey's statement said:

"We believe that the assertions, if true, made by James Polk on the NBC 'Today Show' this morning violate the prohibitions in 18 USC 798 against publishing any classified information concerning the communications intelligence activities of the United States. My statutory obligation to protect intelligence sources and methods requires me to refer this matter to the Department of Justice."

Mr. Casey recently had threat-

ened to prosecute several news organizations for disclosing that U.S. intelligence intercepted Libyan communications before the bombing last month of a West Berlin disco, allegedly by Libyan agents.

The CIA director also recently asked the Justice Department to block the *Washington Post* from publishing an article about U.S. intelligence capabilities, but he was turned down, the *Post* reported last week.

The "Comint law" cited by Mr. Casey in the NBC incident was enacted in 1950 to protect U.S. codes and code-breaking capabilities. It has never been used against a news organization, although several spies have been successfully prosecuted under it.

Mr. Pelton has been charged under the law, and the statute was used to win a seven-year sentence against another NSA employee, Joseph S. Peterson Jr., for giving secrets to a Dutch friend.

Perhaps the best known prosecution under Comint 1950 was the conviction of Christopher Boyce in 1977 on charges of selling secrets to the Soviet Union. Boyce, a clerk in a firm with direct links to the CIA, was sentenced to 40 years in prison.